PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Nie, et al.

Serial No.: TBA

Filed: Herewith

Confirmation No.: TBA

Group Art Unit: TBA

Examiner: TBA

Docket No.: 050508-1100

For: **POROUS MATERIALS EMBEDDED WITH NANOSPECIES, METHODS OF FABRICATION THEREOF, AND METHODS OF USE THEREOF**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

☒ under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

☐ under 37 CFR 1.97(c) together with either a:
- ☐ Statement Under 37 C.F.R. 1.97(e), or
- ☐ a $180.00 fee under 37 CFR 1.17(p), or

(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with a:
- ☐ Statement under 37 CFR 1.97(e), and
- ☐ a $180.00 petition fee set forth in 37 CFR 1.17(p).

(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Enclosed is a check in the amount of $-0-. Please charge $ to deposit account . At any time during the pendency of this application, please charge any fees required to Deposit Account 200-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.

☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

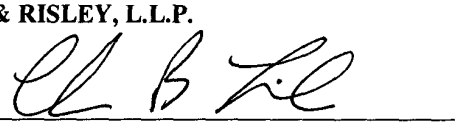
The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

By: 

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Form PTO-1449	Attorney Docket No. **050508-1100**	Serial No. **TBA**
INFORMATION DISCLOSURE CITATION	Applicant **Nie, et al.**	
(Use several sheets if necessary)	Filing Date **September 18, 2003**	Group **TBA**

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	1	20020090650	July 11, 2002	Empedocles, et al.	435	7.1	
	2	20020182609	Dec. 5, 2002	Arcot	435	6	
	3	6,468,808	Oct. 22, 2002	Nie et al.	436	524	
	4	6,514,295	Feb. 4, 2003	Chandler, et al.	8	607	
	5	6,524,793	Feb. 25, 2003	Chandler, et al.	435	6	
	6	6,541,203	April 1, 2003	Mitchison	435	6	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	7	WO 00/55631 A1	Sept. 21, 2000	WIPO	33	58	X	
	8	WO 00/71995 A2	Nov. 30, 2000	WIPO	21	77	X	
	9	WO 03/003015 A2	Jan. 9, 2003	WIPO	33	544	X	

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	10	C.B. Murray, D.J. Norris, and M.G. Bawendi, "Synthesis and Characterization of Nearly Monodisperse CdE (E=S, Se, Te) Semiconductor Nanocrystallites," March 22, 1993.
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	14	Mingyong Han, Xiaohu Gao, Jack Z. Su, and Shuming Nie, "Quantum-dot-tagged microbeads for multiplexed optical coding of biomolecules," July 2001.
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* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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	32	John P. Nolan, Sabine Lauer, Eric R. Prossnitz and Larry A. Sklar, "Flow cytometry: a versatile tool for all phases of drug discovery," Research Focus, DDT Vol. 4, No. 4 April 1999.
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